

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO )  
JUVENILE RULE (I.J.R.) 37 ) ORDER

The Court having reviewed a recommendation from the Child Protection Committee and the Administrative Conference to amend one rule of the Idaho Juvenile Rules, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Idaho Juvenile Rules as they appear in the volume published by the Idaho Code Commission be, and they are hereby, amended as follows:

1. That Rule 37 be, and the same is hereby, amended as follows:

## **Idaho Juvenile Rule 37. Right to Counsel (C.P.A.)**

~~(a) The court should appoint counsel to represent the guardian ad litem, unless the guardian ad litem has counsel or has waived counsel.~~

(ba) For a child under the age of twelve (12) years, the court shall appoint a guardian ad litem for the child or children and shall appoint counsel to represent the guardian ad litem, unless the guardian ad litem is already represented by counsel. The court may appoint separate counsel for the child or children under the age of twelve (12) years in appropriate cases. The court may consider the nature of the case, the child's age, maturity, intellectual ability, ability to direct the activities of counsel and other factors relevant to the child's need for appropriateness of appointing counsel for the child and ability to direct the activities of counsel.

(eb) If there is no qualified guardian ad litem program or qualified guardian ad litem available, the court shall appoint counsel for the child as provided in I.C. § 16-1614.

(dc) The parent(s), guardian, or legal custodian has the right to be represented by counsel in all proceedings before the court. The court shall appoint counsel to represent the parent(s), guardian, or legal custodian if it finds that they are financially unable to pay for such legal services, unless representation is competently and intelligently waived.

(ed) Notice of the right to be represented by counsel, and at public expense where financial inability exists on the part of the child, parent(s), guardian, or legal custodian, should be given at the earliest possible time. Notice shall be given in the summons, and at the outset of any hearing in which the child, parent(s), guardian, or legal custodian is making a first appearance before the court.

IT IS FURTHER ORDERED, that this order and these amendments shall be effective the first day of July, 2015.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Juvenile Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 23 day of April, 2015.

By Order of the Supreme Court

R. Burdick  
Roger S. Burdick, Chief Justice

ATTEST: Stephen Kenyon  
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.  
WITNESS my hand and the Seal of this Court 4-27-15

STEPHEN W. KENYON Clerk

By: Stephen W. Kenyon